

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:12CR472 RWS
	)	
LEON JACKSON and	)	
MICHAEL SMITH	)	
	)	
Defendants.	)	

**ORDER**

This matter is pending before the undersigned pursuant to 28 U.S.C. § 636(b) for pretrial matters. The Defendants filed motions to suppress in this matter, and the undersigned set an evidentiary hearing for March 11, 2013. On March 4, 2013, the attorney for the United States filed a motion to continue and reset the evidentiary hearing; on March 5, 2013, Defendant Leon Jackson filed a response indicating that he consented to the motion of the attorney for the United States, and on March 6, 2013, Defendant Smith filed a motion to continue the evidentiary hearing. The undersigned granted the motions, finding in the interest of justice, that the hearing should be continued. Presently pending is a motion of Defendant Leon Jackson to continue the evidentiary hearing from the setting of March 22, 2013. The undersigned directed that counsel appear on March 22, 2013 to discuss the motion to continue and discuss a firm setting for the evidentiary hearing. At the hearing, counsel for the parties indicated that a continuance would allow the parties to further prepare for the hearing and allow time to continue negotiations. Thus, the parties suggested a setting of April 9, 2013, and the undersigned indicated on the record that the hearing would be reset to that date.

Based on the above, the undersigned believes, for the reasons set forth in the motion to continue the hearing as well as the statements of the parties at the hearing, that denying the motion would deny counsel the reasonable time necessary for effective preparation of the motion hearing, taking into account the exercise of due diligence, and that the ends of justice served by granting this motion outweigh the best interest of the public and the Defendants in a speedy trial, and therefore, the time granted to prepare for the motion hearing in this matter be excluded from computation of the Defendants' right to a speedy trial pursuant to 18 U.S.C. § 3161(c)(1).

Accordingly,

**IT IS HEREBY ORDERED** that Defendant's Motion for Continuance [of] Pretrial Motions Hearing, filed by Defendant Jackson, [ECF No. 45] be **granted**.

**IT IS FURTHER ORDERED** that the evidentiary hearing be reset to **Tuesday, April 9, 2013 at 10 a.m.** in Courtroom 15-South. The Defendants must be present for the hearing.

/s/ Terry I. Adelman  
UNITED STATES MAGISTRATE JUDGE

Dated this 22nd day of March, 2013.